(1) No. 961634 FILED FEB 18 1997

OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 1996

JULIA McCAIN LAMPKIN ASAM, Ph.D.,J.D.
Petitioner

v.

WANDA D. DEVEREAUX, CHAIRMAN,
DISCIPLINARY BOARD, PANEL II,
ALABAMA STATE BAR, Officially
and Individually, and Defendants
et al.
Respondents

WRIT OF CERTIORARI FROM THE SUPREME COURT OF ALABAMA

WRIT OF CERTIORARI

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57 pp

QUESTIONS PRESENTED

I. Whether the Alabama Court of Civil Appeals showed malignant justice as seen in the Appendix B, June 14, 1996 Opinion by Court pretending Dr. Asam's Appellant Brief was "chaotic and unintelligible" to cover-up wrong doings of Wanda Devereaux, Chairman, of the Alabama State Bar, Disciplinary Board, mutilating the U.S. Constitutional rights of Dr. Asam's due process under the 5th and 14th amendments to the U.S. Constitution by Devereaux conducting a "surprised sanity hearing" disguised as a Disciplinary hearing "without notice to Dr. Asam that a sanity hearing, without Devereaux appointing a lawyer or guardian ad litem for Asam and without Devereaux having a expert witness as a M.D. psychiatrist to declare Dr. Asam incompetent; Wanda Devereaux had Asam to be declared incompetent and disbarred without a fair and impartial hearing by pretending with Robert Norris that Asam had violated certain professional conduct rules which she had not, [In fact, Dr. Asam did not receive a fair and impartial appellate review in the Supreme Court of Alabama since there was a stealing of the official record confidential files of Asam's 26-page Answer, and Justice Jones claimed he read the record and no answer and deemed the alleged charges against Asam as admitted since no Answer

when in reality there was a judicial crime in the Supreme Court of Alabama of removing illegally Asam's 26-page Answer which showed she was not incompetent] and the Alabama Civil Court of Appeals by ignoring the following issues cited in the Appellant brief of Asam and substituting a ridiculous unprofessional opinion to further defame Dr. Asam, the court manipulated the law cited by Dr. Asam by pretending Asam did not cite law, and the court has mutilated the U.S. Constitutional rights of Asam by allowing Devereaux to go free when in reality Devereaux had clearly violated Dr. Asam's constitutional rights of due process and civil rights as stated below and in this Writ to declare Dr. Asam incompetent and disbarred without a fair and impartial trial which was like a court martial by not allowing Dr. Asam to see any alleged original complaints against her made by politically oriented lawyers supporting her political opponents and evil-minded lawyers who wished to put Asam out of business as being the first woman to run as a circuit judge candidate in Tuscaloosa County in 1992, and again in 1994, and then the appellate court assaulting Dr. Asam as Pro Se instead of responding to the following issues [cited verbatim] and incorporated as issues in this Writ of Certiorari:

(1) Whether Ms. Devereaux violated the due process of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution by not compelling Mr. R. Norris to produce the original complaints before the hearing so that Asam could respond from which Mr. Norris allegedly wrote his 5 formal complaints wrongfully pretending that Asam did violate certain Professional Rules of conduct which Asam had not violated?

Note: After the hearing started, Ms. Devereaux ordered Mr. Norris to produce the said original complaints from which Norris allegedly wrote his formal complaints; however, Mr. Norris produced all except 94-177 (Gill) and part of 92-254.

(2) Whether Ms. Devereaux again violated Dr. Asam's due process by not compelling Mr. Norris to produce the deleted documents (94-177 and 92-254-part), especially since Richard Gill had changed a quote from "smear letter" from Vreeland from "unqualified" to "incompetent", and Richard Gill published in Appellee brief in the Asam v. Harwood case in the U.S. Court of Appeals, 11th Circuit.

(3) Whether Ms. Devereaux et al. violated the constitutional rights of Dr. Asam to have timely and proper notice of hearing of Alabama State Bar, Disciplinary Board because Ms. Devereaux failed to Notice that she [Devereaux] was running a SANITY hearing on Asam and Ms. Devereaux and Mr. Norris,

General Counsel, failed to have a M.D. psychiatrist as an expert and to declare Asam incompetent and/or mentally incapacitated was strictly illegal without a M.D. expert, especially since Ms. Devereaux failed to appoint an attorney for Asam, which was a further violation of the constitutional rights of Asam. [See ruling by disciplinary board before making application for reinstatement at her costs,"quoted below]." [and in this Writ quoted in the Factual background].

(4) Whether Ms. Devereaux et al violated constitutional rights of Asam when Ms. Devereaux was knowingly running a SANITY hearing without notice to Asam and Devereaux failed to appoint an attorney to represent Asam at a mental incapacity hearing, taking Asam's rights without proper representation and Devereaux violated Asam's rights.

(5) Whether the Honorable Judge made judicial error in not allowing a jury trial because of disputed facts above Devereaux's violating Dr. Asam's civil rights because of her [Devereaux] constitutional violations?

(6) Whether the Hon. Judge made judicial and reversible errors in disposing of this instant case by claiming defense of immunity by defendants when according to law there is no immunity for Defendants violations of Plaintiff's constitutional rights as stated in complaint and amendment to complaint. See Reasons for Granting Writ for law.

Note: Dr. Asam in her Appellant Brief did not further discuss ADA violations despite fact that Asam's life was almost taken by a car deliberately causing a head-on wreck not Asam's fault immediately after Asam qualified to run in the Asam v. England circuit judge candidate campaign in 1994 [person driving the car that ran into Asam removed license tag from car according to police record].

II. Whether Ms. Devereaux violated the procedural and substantive due process constitutional rights of Dr. Asam discussed above and said constitutional violations by Ms. Devereaux was prompted by political motivation since two of the cases used to disbar Dr. Asam were political cases: Asam v. Harwood, a political case because Harwood was publishing false and negative ads that he was the only qualified circuit judge candidate when Asam was Democratic Nominee and Harwood was Republican Nominee, and Asam v. Vreeland, a political "smear case" with false statement to support Harwood.

Novak v. Cobb County-Kennedone Hospital Authority, 849 F. Supp. N.D. Ga. 1994, held state court judge is state actor for purposes of federal civil rights statute. 42 U.S.C.A. section 1983.

Ms. Devereaux was acting as a judge.

III. Whether state statute, rule 28, Alabama Rules of Appellate Procedure alleged violations can infringe upon the constitutional rights of Dr. Asam as stated in this petition as to due process procedural rights and due process substantive rights by Ms. Devereaux taking the personal liberty rights of Dr. Asam by pretending Dr. Asam is mentally incompetent as a grounds to disbar her because she ran as a candidate for circuit judge in 1992 and 1994 based upon complaints by political opponents, lawyers for political opponents and opposing lawyers political oriented to political opponents without Ms. Devereaux having an expert medical witness, M.D. psychiatriat at a surprised sanity hearing and without Ms. Devereaux appointing attorney for Asam and without Ms. Devereaux apppointing a guardian ad litem and without Ms. Devereaux serving notice of a sanity hearing when supposed to be a Disciplinary Board hearing of the Alabama State Bar. Alabama State Bar is arm of the Supreme Court of Alabama see Worley case cited in Reasons for Granting Writ, i.e. can state procedural law infringe on U.S. Constitutional rights or due process and civil rights under the U.S. Constitution and 42 U.S.C. § 1983 respectively.

LIST OF PARTIES

The caption of the case contains the names of all parties.

STATEMENT REGARDING ORAL ARGUMENT AND REQUEST TO WRITE MERITS' BRIEF

Because of complexities, irregularities and numerous judicial errors made in the lower court, oral argument is requested so that the Honorable Justices can understand and ask questions.

The Appellant/Petitioner respectfully requests to write the Merits' Brief.

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I. Whether the Supreme Court of Alabama and the Alabama Court of Civil Appeal failure to make a fair and impartial appellate review has further violated Dr.J.Asam's constitutional rights, due process, both procedurally and substantively, and liberty rights under the 5th and 14th amendments to the U.S. Constitution, by Ms. Wanda Devereaux, Chairman of the Disciplinary Board, Alabama State Bar as stated in Petition, triggering the 42 U.S.C.A. section 1983 claims of Dr. Asam.

II. Whether Ms. Devereaux has violated the constitutional rights of Dr. Asam, both procedurally and substantively, prompted by political motivation as stated in petition.

III. Whether Ms. Devereaux can take the liberty rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution and trigger the 42 U.S.C. Section 1983 civil rights claims of Dr. Asam.

CONCLUSION 30

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WRIT OF CERTIORARI

OPINIONS BELOW

The Petitioner incorporates all statements which are stated in the Appendix as Opinions Below into this Writ of Certiorari.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C Section 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution provides in pertinent part:

AMENDMENT V

No person shall... be deprived of life, liberty, or property, without due process of law;...

AMENDMENT XIV. SECTION I

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL STATUTES

42 U.S.C. Section 1983

"Every person who, under color of any statute, ordinance, regulation, custom, usage, or any State or Territory, subjects, or causes to be subjected, any citizen of

the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities acccured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

28 U.S.C. Section 1343(3)

"3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usuage, or any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

28 U.S.C. Section 2108

"The Supreme Court of any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree or order of court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

STATEMENT OF THE CASE

I. STATEMENT OF THE FACTS

Wanda D. Devereaux was Chairman of the Disciplinary Board, Panel II, Alabama State Bar of the Disciplinary Hearing February 23, 24, 1995 to disbar Dr. Asam as mentally incompetent because male evil-minded lawyers had written the Alabama State Bar to have Dr. Asam disbarred from trumped-up alleged violations of the Professional code which was abused since Robert Norris [later R.W. Norris wasfound to be part of the conspiracy as seen in a letter signed by Norris before Asam was to receive any notice of disbarment that Norris was working with other lawyers to devastate the law practice of Asam since he [Norris] was going to reduce Asam to **"disability inactive status"**.] who resigned from the Alabama State Bar after writing the 5 formal charges against Dr. Asam which basically all stated because Asam is incompetent this is misconduct to disbar Asam. [See 96-478 Writ of Certiorari giving detail of conspiracy].

Ms. Devereaux acquiesced to Robert Norris fabricated formal complaints not based on probable cause and no medical expert M.D. psychiatrist was present at the hearing and Asam was not ordered to see any M.D. psychiatrist.

Ms. Devereaux was sued both officially and individually which Asam had a right to sue when Ms. Devereaux deliberately violated Dr.

Asam's right to due process before, and during Disciplinary Board Trial in Feb. 23-24, 1995.

Asam could not respond to the original complaints before the Disciplinary Board Trial because Ms. Devereaux deliberately violated the due process of Dr. Asam by not producing the original complaints that Mr. Norris allegedly wrote his 5 formal charges. Asam did respond to the 5 formal charges trumped-up by Robert Norris in a 26-page Answer which was stolen from the official record of the Supreme Court of Alabama in case 1950912 because Justice Jones in his opinion stated he had read the record and no Answer and Justice Jones then deemed all charges against Asam as admitted, when in reality Asam had denied all charges against her and this illegal act by the Supreme Court of Alabama was judicial crime against Asam.

Attorney General Jeff Sessions failed to investigate who had sholen Asam's 26-page Answer from the Supreme Court of Alabama in case 1950912.

Not only could Asam not respond to these original "phantom" complaints at that time before the Disciplinary Board trial but Ms. Devereaux was violating ordinary policy of the Alabama State Bar in allowing the lawyer to see the original complaint and respond. A lawyer has a right to respond to allegations against him and in particular in the instant case that was involved with evil-minded lawyers involved in politics because Dr. Asam was the Democratic Nominee for circuit judge

in 1992, and was the first woman to ever run in a political campaign as a circuit judge candidate in Tuscaloosa County in 1992. Asam received over 15,000 votes and perhaps these political enemies "lawyers" were afraid she might win in the future so they were attempting to defame and have Asam disbarred so she could never be a candidate again.

The Wrongful disbarment of Dr. Asam was prompted by political vendetta, personal vendetta of lawyers [no clients made any complaint] that were politically oriented to political opponents of Dr. Asam, lawyers who were opposing lawyers of Dr. Asam, and politically opponents sending disparaging statements about Dr. Asam for political gain [Judge J. England]. These evil-minded lawyers were all males [gender discrimination] [see 96-478 for details], and were clearly involved in conspiracy with Robert W. Norris, General Counsel of the Alabama State Bar, and Norris abused the Profession Code of conduct and ethics when Norris wrote five (5) formal complaints with charges which basically stated that Asam was incompetent and that incompetence is misconduct to be disbarred.

As part of the order dated February 27, 1995 Ms. Devereaux made the statement ... that Asam before reinstatement would be allowed

"(2) Shall submit to an examination by a qualified medical expert, [takes 5 years for any reinstatement after disbarment in

Alabama and is age discrimination in Asam's case] as the Disciplinary Board shall designate, [note: no medical expert present at hearing February 23,24, 1995] to inquire into and report to the Disciplinary Board the mental competency of the respondent. The medical expert shall report his or her findings to the Disciplinary Board. The repsondent shall bear the cost of the examination."

Clearly, this is the threshold issue where Ms. Devereaux mutilated the due process rights of Dr. Asam by Devereaux conducting a "surprise sanity hearing" under the disguise of Asam violating certain Professional code violations which she never violated and the said alleged violations were later wrongfully deemed admitted because someone on the inside the Supreme Court of Alabama stole the 26-page Answer from the official record of case 1950912, Asam v. Alabama State Bar, and the Attorney General's office of the State of Alabama has yet to investigate who committed this criminal judicial crime to retroactively after the Disciplinary Hearing to declare the alleged formal complaints by Robert Norris admitted when Asam timely filed the 26-page Answer and Asam had the duplicate record and had to file a federal case about the Supreme Court of Alabama stealing records

from their own files as case 96-6596 now in the U.S. Court of Appeals, 11th Circuit.

The Alabama State Bar [arm of the Supreme court of Alabama - see Worley case in the Reasons to grant Writ] Disciplinary Board through its agent, Wanda Devereaux who was Chairman of the Disciplinary Board clearly violated Dr. Asam's rights to due process constitutional rights under the 5th and 14th amendments to the U.S. Constitution, both procedurally and substantive due process, triggering civil rights violations under 42 U.S.C. § 1983 by Devereaux conducting a "surprised sanity hearing" without notice of a sanity hearing, without appointing an attorney for Dr. Asam, without appointing a guardian ad litem for Dr. Asam, and without having a M.D. psychiatrist expert witness at the hearing February 23, 24, 1995, and without ordering Dr. Asam to see any M.D. psychiatrist, Devereaux declared that Asam was incompetent as evidence by her order that is quoted above that in order to have any reinstatement [takes 5 years for disbarment] that Asam would have to see a M.D. psychiatrist of the Disciplinary's choosing to be reinstated when Asam is now going to be age 66 on February 27, 1997 [note February 27, date of order by Devereaux is Asam's birthday]. The bottom line

is that Devereaux showed prima facie evidence of violation of Dr. Asam's rights to due process by writing in Devereaux's order of disbarment that Asam would have to see a M.D. psychiatrist to be reinstated [takes 5 years] after Devereaux, a layman as far as being not a psychiatrist, illegally declared Dr. Asam as mentally incompetent when Asam has never been mentally incompetent and/or mentally incapacitated to put Dr. Asam out of the practice of law in the State of Alabama. As seen above Dr. Asam did not receive a fair and impartial review in the appellate court in 1950912. Clearly, in the instant case as seen in the Appendix B, that the Alabama Court of Civil Appeals did not make a proper appellate review but clearly avoided the issues [admitted in the opinion "In view of Asam's failure to substantially comply with the rules, [false, see comments in Appendix B incorporated as facts in this instant case of the malignant justice shown by the Alabama Court of Civil Appeals joining in the conspiracy to pretend Asam is incompetent] "we pretermit a discussion of any issue she attempted to raise."

The Alabama Court of Civil Appeals alleges violations of rule 28, A.R.App. P. but failed to present any actual violation and presented numerous propaganda trying to pretend that Dr. Asam could not write. However, Dr. Asam

has over 20 scientific medical writings as well written numerous briefs in law, some of which cause cases to be reversed and remanded and Asam is the author of books and in her lifetime has received an unsolicited statement about her writings, "Superb, well-written and deserving of rapid publication". It is apparent there was only malignant justice in the instant case in the Alabama Court of Civil Appeals, and Judge Thigpen should have recused himself since he appointed the substitute Judge in Dallas County Alabama, Judge Ryan who wrote a bogus civil contempt against Dr. Asam because Asam did not show for hearing when Judge Ryan according to his order was sending Asam's mail to the wrong city. This order of arrest was written deleting the word "civil" and only states "contempt" and Judge Ryan has failed to retract his bogus contempt because Judge Thigpen's court, the Alabama Court of Civil Appeals again ruled wrongfully in allowing Judge Wm. Ryanto write a bogus civil contempt when notice was sent to the wrong city. This illegal order of arrest just stating "contempt" which can be confused as criminal or civil should be ordered by this Honorable Supreme Court of the United States to be voided. [See 96-448 which was sent to this Honorable Court but Writ was denied]. Cases

related to this case that were sent to the Honorable Supreme Court of the United States, 95-1895, 96-448, and 96-478, are now at the U.S. Congress where the instant case may have to be sent if Writ is denied.

Rule 28, A.R.App. P alleged violations by the Alabama Court of Civil Appeals are infringing on the constitutional rights of Dr. Asam to have due process when her liberty rights were lifted when Ms. Devereaux, not an M.D. psychiatrist is claiming that Dr. Asam is mentally incompetent which rumor started just because Asam as a woman was the first woman to run as circuit judge candidate in Tuscaloosa County, Alabama in 1992, with Bernard Harwood, who published false and negative ads stating he was the "only" qualified judge and Asam sued him in Asam v.Harwood, which was one of the political cases that Ms. Devereaux was using to disbar Asam. Harwood had received $5,000 contributions from law firm of James Jenkins, who also was one of the lawyers who wrote trumped-up charges to have Asam disbarred. The Alabama State Bar, Disciplinary Board, used Russel Jackson (Jack) Drake as a witness against Dr. Asam when Asam only met Drake when he offered her a bribe to get off the Harwood campaign when Asam was Democratic Nominee and Harwood was Republican Nominee to assure that Harwood would win when Drake

at that time was a Democrat. Clearly, Dr. Asam was disbarred for political motives. The offering of Asam money by Drake was published in the local newspaper.

Instead, of Devereaux having a medical expert to declare Dr. Asam as incompetent, Devereaux had a person named Brinyark who was a clerk at the time that a lawyer for another political case, Asam v. Vreeland, a "smear" letter by the name of David Ellis, now dead, was publishing in the newspaper that Dr. Asam needed a "guardian ad litem"' because she sued Vreeland who had made false and ridiculous statements about Asam to defame her and despite his efforts Dr. Asam obtained over 15,000 votes in Tuscaloosa County in 1992. In 1994, immediately after Asam qualified to run as a circuit judge candidate, Asam was in a head-on accident, not her fault, to have Asam terminated as a candidate. The person who ran into Asam removed the tag from the car, and the police record shows no tag, when Asam had to go to the hospital in an ambulance.

Since Norris had resigned, this left Ms. Devereaux as the potential author of the many false statements that showed up in a publication, "Lawyers" published by the Alabama State Bar about Dr. Asam's disbarment.

Since the truth is that Asam in her Appellant Brief wrote clear issues [reprinted in this instant Writ in Questions Presented verbatim] but the Alabama Court of Civil Appeals through Judge Thigpen who should have recused himself, was pretending the brief was violating Rule 28, A.R. App.P., so that the Alabama Court of Civil Appeals, did not have to answer to the true issues is clearly **MALIGNANT JUSTICE.**

II. PROCEEDINGS OF COURTS BELOW

On February 21, 1995, Complaint was filed for the Tort of Outrage, Violation of American Disabilities act, violation of Dr. Asam's due process constitutional rights, civil rights under 42 U.S.C. § 1983 and, exceeding immunity by prosecuting illegal claim Dr. Asam is incompetent when she has never been incompetent and Ms. Devereaux failed to have present at the Disciplinary Board hearing a medical expert M.D. psychiatrist and Ms. Devereaux acquiesced to the fabricated formal charges with a kankaroo court that Asam was mentally incompetent by Ms. Devereaux declaring Asam incompetent as stated in her order that Asam could not apply for reinstatement in the Alabama State Bar without seeing a M.D. expert chosen by the Disciplinary board

to declare that Asam was competent [takes 5 years after disbarment and Asam is 66 on February 27, 1997, and is also age discrimination against Asam because Asam ran as circuit judge candidate in 1992 as the first woman to be a circuit judge candidate in Tuscaloosa county in 1992. Ms. Devereaux failed to grant the Motion to compel discovery which had been pending since June 30, 1994, and Asam had to go to the hearing without the original complaints, and thus Devereaux violated Asam's rights to have due process since Asam went to hearing not knowing the true original complaints against her. The bottom line is Asam had to go to Disciplinary hearing without original complaints as to why, how, and who was making complaints against her except she knew it was lawyers according to Mr. Norris in his said letter dated June 30, 1994 and Norris refused to give Dr. Asam the original complaints before the hearing.

At the hearing after much discussion, Ms. Devereaux ordered Norris to produce the said original complaints and it was found out there was no relationship between the original alleged complaints and the 5 formal complaints as charges written by Mr. Norris who was abusing the Professional conduct and ethics rules to pretend that Dr. Asam was mentally incompetent and

because she is mentally incompetent this is misconduct for disbarment as stated by Mr. Norris.

Judge Price made judicial error in granting summary judgment since the Defendants had no substantial evidence to prove that Dr. Asam was mentally incompetent when Ms. Devereaux failed to have a medical expert, M.D. psychiatrist present at the SURPRISED SANITY HEARING where Ms. Devereaux failed to **give** notice of a sanity hearing, failed to appoint an attorney for Asam, failed to appoint a guardian ad litem, and failed to have present a medical expert, M.D. psychiatrist to declare Asam mentally incompetent and/or mentally incapacitated.

The Motion to alter, amend or vacate the judgment was ignored by Judge Price and the case was appealed by operation of law under Alabama Rules of Civil Procedure, 59.1 and Notice of Appeal was timely filed.

Alabama Court of Civil Appeals June 14, 1996, wrote the opinion which showed that Asam received **MALIGNANT JUSTICE** [Un-American justice] that the Alabama court of Civil Appeals was manipulating the law to avoid answering to the issues and mutilating the constitutional rights of Dr. Asam (see comments in Appendix B]. Asam may have been struck down by her political enemies which

the appellate courts have shown **malignant justice** but Asam is not destroyed. The application for rehearing was overruled on July 19, 1996, and a Writ of Certiorari was filed in the Supreme Court of Alabama which was denied November 22, 1996.

REASONS FOR GRANTING WRIT

I.ALABAMA COURT OF APPEALS SHOWED MALIGNANT JUSTICE in Opinion by Court pretending Dr. Asam's Appellant Brief was "chaotic and unintelligible" to COVER-UP wrong doings of Wanda Devereaux, Chairman of the Alabama State Bar, Disciplinary Board, and mutilating the U.S. Constitutional rights of Dr. Asam's due process under the 5th and 14th amendments to the U.S. Constitution by Devereaux conducting a "surprised sanity hearing" disguised as a Disciplinary hearing without notice to Dr. Asam that a sanity hearing, without Devereaux appointing a lawyer or guardian ad litem for Asam and without Devereaux having a expert witness as a M.D., psychiatrist to declare Dr. Asam incompetent; then Ms. Devereaux took the liberty rights of Dr. Asam by wrongfully disbaring Dr. Asam pretending Dr. Asam was mentally incompentent as shown in the quoted excerpt from the Disciplinary Board by Ms. Devereaux prompted by political motivation as shown by the fact Ms. Devereaux was using two political cases, Asam v. Har-

wood and Asam v. Vreeland.

See Midnight Sessions, Ltd. v. City of Philadelphia, 945 D. 2d 667, 683 (3rd Cir.), cert denied, 112 S. Ct 1668 (1991); Bello v. Walker, 840 F. 2d 1124 (3rd Cir.), cert denied, 488 U.S. 851, cert denied, 488 U.S. 868 (1988); Marks v. City of Chesapeake, 883 F. 2d 308, 311 (4th Cir. 1989).

The issues I(1), I(2), I(3), I(4), and as well as constitutional issues of I(5) are discussed together as to due process law. Notice in I(3) and I(4) are part of due process. Also issue II is on due process [see law on political motivation that was cited above.]

I. (1) Ms. Devereaux has abused any privilege of immunity by violating Dr. Asam's constitutional rights of due process under 5th and 14th amendments to U.S. Constitution, by not producing timely the underlying original complaints (denied Motion to compel) [See Robert Norris letter dated June 30, 1994, refusing to produce said documents after requested by Asam], and liberty rights of Asam by conducting a sanity hearing without notice is evidenced by Alabama State Bar, Disciplinary Board, Panel II, that Asam "submit to an examination by a qualified medical expert... and report... the mental competency of the respondent"

See quote above pp. 6-7.

...-- under the 5th and 14th amendments to the U.S. Constitution when there is NO immunity for violations of a citizen of the United States constitutional rights.

I(2) Ms. Devereaux made further judicial error of violating the due process rights of Dr. Asam under the 5th and 14th amendments under the United States Constitution by not compelling the production of ASB 94-177 and all of 92-254 after she [Devereaux] had ordered all documents of underlying complaints [RT 66,1.7-10], to be produced by the end of the first day of the hearing. RT 68,1.17-18. Found in record of case 1950912, Supreme Court of Alabama.

I(3) Ms. Devereaux made judicial error and violated the due process constitutional rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution in not appointing an attorney to represent Dr. Asam when Ms. Devereaux knew that hearing would be a sanity hearing which Asam did not know until later in the hearing since Asam had not been given notice the hearing would be a sanity hearing [See the ruling stating that a professional appointed by the Alabama State Bar would have to be seen if Asam was mentally competent before making application for reinstatement.

I(4). Ms. Devereaux has violated the due process rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution as to Notice that was defective as to the time of hearing when the Notice was served on husband on Feb. 8, 1995 and not Mrs. Asam because she was not present. Asam accepted service by writing a Motion to compel on Feb. 10, 1995.

I(5). Ms. Devereaux violated the constitutional due process rights of Dr. Asam under the 5th and 14th amendments to the U.S. Constitution triggering in the 42 U.S.C. § 1983 civil rights claims and thus Ms. Devereaux made gross reversible judicial error knowing that she [Ms. Devereaux], and the Disciplinary Board intended to disbar Dr. Asam for alleged mental incapacity and mental incompetence and did not appoint a lawyer for Dr. Asam at the Alabama State Bar hearing on February 23, 24, 1995 [RT 90-91] when Norris stated,

"The rule is if a lawyer is unable to defend themselves because of some mental disability and cannot afford a lawyer, then the Bar will find someone to represent them and will bear the cost."

No lawyer was appointed for Dr. Asam at a SURPRISED SANITY HEARING.

See Jones v. Alabama State Docks, 443 So. 2d 902 at 903 (Ala. 1983), which

states, "Due process clause of State Constitution secures every citizen against arbitrary action of those in authority and places him or her within protection of law of te land. Const. § 13.

See Velger v. Cawley, 525 F. 2d 334 (2nd Cir. 1975) on due process.

See McCrary v. State, 429 So. 2d 1121, cert. denied 104 S. Ct. 273, 464 U.S. 913, 78 L. Ed 2d 254 (1982), which held that although state may create strict liability offenses, power to do so is limited by constitutional command that no person can be d rived of life, liberty or property except by due process of law.

See U.S. v. Welden, 568 F Supp. 516, affirmed in part, reversed in part, U.S. v. Satterfield, 743 F. 2d 827, on remand U.S. v. Allison, 599 Supp. 958, cert. denied 105 S. Ct 2362, three cases, 471 U.S. 1117, 86 L. Ed 2d 262, which held to meet requirements of "due process" and "equal protection" a statute must not subject an individual to arbitrary or uneven exercises of power, and further stated that Test of "due process" is essentially a test of fairness and reasonableness; furthermore, there must always be ascertainable standards.

See Bradley v. Pittsburgh Bd. of Education, 913 F. 2d 1064, [U.S. Court of Appeals, 3rd Cir., 1990], which held Party

was denied full and fair opportunity to litigate only when state procedures fall below minimum requirements of due process as defined by federal law U.S.C.A. Const. Amend. 14". See Davis v. Alabama State University,613 F. Supp. 134, D.C. Ala. 1985, which held that essence of due process is notice and opportunity for hearing appropriate to nature of case.

See Dirt, Inc. v. Mobile County Com'n, 739 F. 2d 1562, (Ala. 1984), which held that due process requires notice reasonably calculated, under all circumstances to apprise interested parties of pendency of action and aford them an opportunity to present their objections."

See Goss v. Lopez, 95 S. Ct 729 (1975), which held that Due process clause forbids arbitrary deprivations of liberty. U.S.C.A. Const. Amend. 14.

The Alabama State Bar claims to be an arm of the Supreme Court of Alabama [Worley v. Alabama State Bar, 572 So. 2d 1239, 1242 (Ala. 1990)] as well as the Disciplinary Board is part of the Alabama State Bar so that both Mr. Robert Norris and Ms. Devereaux were **"acting under color of state law"** to wrongfully take the license of Dr. Asam to practice law without a fair trial lacking due process and many constitutional violations as seen in the issues listed in this Appellant Brief, and all these

Issues asking Whether... involving constitutional violations against Dr. Asam are answered yes, Dr. Asam's constitutional rights to due process, liberty rights and/or equal protection under the law have been violated as specifically stated in the issues.The law on civil rights is discussed below as to Issue I(5).

Ms. Devereaux who only rubber-stamped the Alabama State Bar agent Norris, and herself violated the due process of Dr. Asam as well as Ms. Devereaux violated Dr. Asam's liberty rights by Ms. Devereaux conducting a sanity hearing without notice of a sanity hearing and not only took the license to practice law by disbarment but claimed Dr. Asam had to see a medical expert professional to evaluate her as to her mental competence before she could make application for reinstatement which in the case of disbarment would be age discrimnation to Dr. Asam who will be 66 on Feb. 27, 1997 and age discrimination would be under the 14th amendment of equal protection under the law of U.S. Constitution.

Alabama State Bar has violated the American for Disabilities Act by agent Devereaux wrongfully pretending Dr. Asam is mentally incapacitated without providing her [Asam] with an appointed attorney.

See Monell v. New York City Dept. of Soc. Serv. 436 U.S. 658, 56 L. 2d 2d 611, 98 S Ct 2018, which states,

"Civil Rights § 12.5 -- liability for violations -- State-law immunities 11a, 11b. State law immunities do not override a cause of action under 42 U.S.C. § 1983, which imposes civil liability on any person who deprives another of his federally protected rights." [Emphasis added.)

See DeStafney v. University of Alabama, 413 So. 2d 391 (Ala. 1981), at 395 which states, "Section 14 does not necessarily immunize State officers or agents from individual civil liability."

Ms. Dereveaux had a duty to appoint an attorney for Dr. Asam since Ms. Devereaux failed to notify Dr. Asam that she was being disbarred because of alleged mental incapacity and that she would have to see a psychiatrist of the Alabama State Bar choosing at her expense after retaking the Alabama State Bar exam and ethics exam.

Ms. Devereaux failed to order Norris to find Dr. Asam a lawyer when Devereaux knew she would disbar Dr. Asam for alleged mental incapacity for which Dr. Asam did not have advance notice of the "surprise sanity hearing under the disguise of the Disciplinary board hearing and Ms. Devereaux who is an agent for the Alabama State Bar

did violate the due process of Dr. Asam both procedurally and substantially, under the 5th and 14th amendments to the U.S. Constitution, triggering in the 42 U.S.C. § 1983 civil rights claims. In particular, Ms. Devereaux took the liberty rights of Dr. Asam under the 5th and 14th amendments by disbarring Asam under a wrongful disbarment reason by Ms. Devereaux pretending Dr. Asam was incompetent, without Ms. Deververeaux having a medical expert, M.D. psychiatrist at hearing to declare Dr. Asam incompetent. Ms. Devereaux does not have the authority as a layman to declare that Dr. Asam was mentally incapacitated and ther disbar under the disguise of alleged violations of the Professional code of conduct and ethics which Asam never violated.

See Federal statute 42 U.S.C. § 1983 quoted above.

See Paul v. Davis, 424 U.S. 645, 96 S Ct 1154, 47 L Ed 366, (1976).

The civil rights act of 1871 (42 U.S.-CA. § 1983) does not create substantive rights, but provides express federal remedy against state officials for deprivation of rights established elsewhere in federal law. See Samuels v. District of Columbia, 770 F. 2d 184, C.A.-D.C., 1985.

See book Section 1983 Litigation, Claims, Defenses, Fees, M.A. Schwartz, John E. Kirklin, John Wiley & Sons, 1986, on p. 101, states, "§5.9 Tests to Determine State Action -- In General... The Court did state that to find state action, two general requirements must be fulfilled. First, "the deprivation must be caused by the exercise of some right or privilege created by the state or by a person for whom the state is responsible. [See Lugar v. Edmondson Oil Co., 457 U.S. 922, 937, (1982).] Second, the defendant "must fairly be said to be a state actor. [See Lugar case'] See Monroe v. Pape, 365 U.S. 167, 172 (1961) "The Two principles "collapse into each other when the claim of a constitutional deprivation is directed against a party whose official character is such as to lend the weight of the state to his decisions." In this instant case, Ms. Devereaux is a state actor for the Alabama State Bar Disciplinary Board, and the Alabama State Bar is an arm of the Supreme Court of Alabama [See Worley supra] and the Supreme Court of Alabama is part of the Department of the Judiciary of the state of Alabama.

See Leffal v. Dallas Independent School Dist. 28 F. 3d 521. C.A.5(Tex., 1994) held to state claim under §1983 plaintiff

must allege violation of rights secured by constitution or laws of the United States and demonstrate that alleged deprivation was committed by person acting under color of state law. 42 U.S.C.A. § 1983. Clearly, Ms. Devereaux signature on the order of the Disciplinary Board of the Alabama State Bar is prima facie evidence that Ms. Devereaux was acting as a state actor to take Dr. Asam's liberty rights and violated Dr. Asam's due process both procedurally and substantively, by the wrongful disbarment pretending Dr. Asam was mentally incompetent when Ms. Devereaux failed to have a M.D. medical expert present at the hearing to declare Dr. Asam as mentally incompetent, and the signature on the order shows that mental competency was an issue at the hearing since Ms. Devereaux wrote in her order that Asam would have to go before a professional medical person to declare Asam mentally competent before Asam could apply for reinstatement. See details about Devereaux's order dated February 27, 1995, See quote above PP. 6-7.

See Alamo Rent-A-Car v. Mancusi (1994) (1944, Fla.) 632 So. 2d 1352, 19 FLW S 20. Legal malice, if based on a showing of gross misconduct or wilful and wanton disregard of plaintiff's rights, is sufficient to support a punitive damage award.

IMMUNITY LAW IS PRESENT AS TO ISSUE I(6).

See Paxman v. Campbell, 612 F. 2d 848 (4th Cir. 1980) which held that there is no immunity for an official "if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the (person) affected ..." Ms. Devereaux is also a lawyer and she certainly knew she was violating Dr. Asam's constitutional rights.

See Meeker v. Addison, 586 F. Supp. 216 (1983) which held an individual officer may be held liable for damages for conduct that has deprived a person of his constitutional rights.

Constitutional violations of due process is an exception to immunity alleged by state officials. See Lesiter v. Alabama University, 28 F. 3d 1146 (11th Cir. 1994).

There is no qualified immunity for any defendant in the instant case because Dr. Asam had a right to due process in the quasi judicial hearing by the Alabama State Bar, Disciplinary Board, and Ms. Wanda D. Devereaux was Chairman of Disciplinary Board, Panel II, that wrongfully disbarred Dr. Asam by pretending she was mentally incompetent without any medical exam to prove that Dr. Asam was mentally incapacitated, and in fact, Dr. Asam had never been mentally incapacitated.

See Carroll v. Borough of State College, 854 F. Supp. 1184, M.D., Pa. 1994, which held to prevail on cause of action under § 1983, plaintiff must prove the conduct of state actor deprived plaintiff of right, privilege, or immunity secured by federal Constitution or law. Ms. Devereaux took Dr. Asam's liberty rights by wrongfully disbarring Asam as mentally incompetent when Devereaux conducted a court martial style hearing where Asam was guilty before the hearing as mentally incompetent and Devereaux failed to prove Dr. Asam was mentally incompetent and Devereaux only rubber-stamped the fabricated formal charges by Robert Norris, who was General Counsel, Alabama State Bar, before he resigned and Robert Norris's own letter that slipped through on production at the hearing showed that Norris had the intention of reducing Asam to "disability inactive status" before any of the disbarment papers were received by Asam i.e. Norris was also participating in the political conspiracy prompted by political motivation to disbar Asam by a group of evil-minded lawyers who did not like that Dr. Asam was the first woman to be a circuit judge candidate in 1992 in Tuscaloosa County, Alabama. Mr. Norris

even used the case Asam v. Harwood, filed by Asam because Harwood would not stop running false and negative ads in the newspaper, on the radio and TV, and Harwood had received large campaign contribution of $5000 from the law firm of her opponent lawyer, James Jenkins who also wrote lies to have Dr. Asam disbarred, prompted by political motivation and personal vendetta since Asam had settled a large malpractice with this law firm.

Ms. Devereaux was acting under color of state law for Alabama State Bar and deprived Dr. Asam of her constitutional rights [see above] and deprived Dr. Asam of her civil rights under 42 U.S.C.A. § 1983. See Isajewitcz v. Bucks Dept. of Communications, 851 F. Supp. 161, E.D. Pa 1994.

III. The state procedural rule, Rule 28, A.R.App. P alleged violated is being used by the Alabama Court of Civil Appeals to infringe on the constitutional rights of Dr. Asam by the Appellate Court doing nothing [admitted by Court in Appendix B] as doing "nothing" to review the wrongful disbarment of Dr. Asam by Ms. Devereaux, Chairman of the Disciplinary Board, Alabama State Bar, pretending Dr. Asam is mentally incompetent, prompted by politi-

cal motivation when no medical expert, M.D. psychiatrist to declare Asam mentally incompetent. Asam has never been incompetent and/or mentally incapacitated.

See Horwitt v. Horwitt, D.C. Conn. 1950, 90 F. Supp. 529.

"United States supreme Court may review directly the decision of the highest state courts on the constitutionality, under the Federal Constitution, of state statutes,"

See Standard Oil Co. v. Graves. Wash. 1919, 49 S Ct 320, 269 U.S. 389, 63 L. Ed 662, which states,

"While the Supreme court follows the decision of the highest state court as to the meaning of a state statute which asserted to violate the Federal Constitution, the name given to the statute is not conclusive, and it must be judged by its necessary effect, and if that is to violate the Constitution of the United States the law must be declared void. (Emphasis added.)

CONCLUSION

For the above reasons, this Honorable Supreme Court of the United States should grant Writ of Certiorari.

Respectively submitted,

Julia Asam

Julia Asam, Ph.D.,J.D., Pro Se, Attorney At Law
P.O. Box 591, Northport, Alabama 35476

February 15 1997.

APPENDIX A

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, ALABAMA

Julia McCain Lampkin Asam, Ph.D.,J.D.
Plaintiff

v.

Wanda D. Devereaux, Chairman, Disciplinary Board, Panel II, Alabama State Bar, officially and individually, and Defendants 1 through 20.
Defendants.

Case no. CV 95-406 PR

ORDER

This matter comes before the Court on the Defendant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment. On May 23, 1995, this Court conducted a hearing attended by the Plaintiff, Julia McCain Lampkin Asam, who appeared pro se, and the Defendant, Wanda D. Devereaux, was represented by David B. Byrne, Jr. and J. Anthony McLain. The Court has carefully reviewed [Devereaux]'s motion for Summary Judgment and [Asam]'s responses thereto, including all attachments, and has again reviewed the Court's notes made during the argument presented in Open Court. Upon consideration of the motion for Summary Judgment, the responses thereto, and the argument of counsel, the Court enters the following Findings and Order:

1. On or about February 21, 1995, [Asam]

filed a Complaint seeking $50 million in damages against [Devereaux], officially in her capacity as Chairman of the Disciplinary Board, Panel I [II], and individually.

2. In essence, Plaintiff Asam contends that the Alabama State Bar filed false charges of incompetence against her without probable cause and without adequate notice of the charges against her. [Asam] further contends that the State Bar, through its disciplinary process, is pursuing charges against her for improper and political reasons.

3. The Court finds, and [Asam] candidly admitted during oral argument, that she is currently in the process of appealing her disbarment to the Supreme Court of Alabama, although she contends, to some extent, the Supreme Court will not fairly consider her case since the Alabama State Bar is an arm of the State Court.

4. The Court finds that the gravamen of [Asam]'s complaint is inextricably intertwined with her appeal to the Supreme Court of Alabama from her disbarment.

5. The Court finds that from the face of the Complaint, that Defendant Devereaux is being sued both individually and in her official capacity for acts arising out of her conduct as the Chairperson of Ms. Asam's disciplinary proceeding.

6. Rule 56, Alabama Rules of Civil Procedure, must be read in conjunction with the "substantial evidence rule," §12021-12, Code of Alabama (1975), for actions filed after June 11, 1987. In order to defeat a defendant's properly supported motion for summary judgment, the plaintiff (here Asam) must present substantial evidence, i.e., evidence of such weight and quality that fair-minded perosn in the exercise of impartial judgment can reasonably infer the existence of the facts sought to be proved. See Blackburn v. State Farm Auto Ins. Co., 652 So. 2d 1140 (Ala. 1995). [Substantial evidence before court that Ms. Devereaux was conducting a "surprised sanity" hearing without an expert witness as M.D. psychiatrist to pretend Asam was mentally incompetent - see 1950912 official record that no M.D. psychiatrist under disguise as Disciplinary Hearing, Alabama State Bar.]

7. In this case, [Asam]'s mere conclusory allegations and speculation that factual issues exist are not sufficient to defeat the Defendant Devereaux's properly supported summary judgment motion. See Riggs v. Bell, 564 So. 2d 882, 884, (Ala. 1990).

8. The Court further finds that Defendant Devereaux is entitled to absolute and qualified immunity, both individually and in her

official capacity, based upon Eleventh Amendment immunity, absolute immunity, and qualified immunity.

9. The Court finds that [Asam]'s complaint and supporting papers do not meet the stringent standard set by the Alabama Courts for the claimed tort of outrage. [Nabors] v. St.Paul Ins. Co., 489 So. 2d 573, 574 (Ala. 1996).

10. Finally, the Court finds (that Asam's] complaint fails to state a cause of action under the Americans with Disabilities Act or § 504 of the Rehabilitation Act."

In consideration of the foregoing, it is the ORDER, JUDGMENT AND DECREE of the Court that the Defendant Devereaux's Motion for Summary Judgment be the same is hereby GRANTED.

DONE THIS 13 day of June, 1995.

s/Charles Price

Charles Price, Circuit Judge

ENTERED June 14, 1995.

APPENDIX B

IN THE ALABAMA COURT OF CIVIL APPEALS

October Term, 1995-96

2950291 June 14, 1996

Julia McCain Lampkin Asam,

v.

Wanda Devereaux, et al.

Appeal from Montgomery Circuit Court

(CV-95-406)

PER CURIAM

Julia McCain Lampkin Asam appeals from a summary judgment in favor of Wanda D. Devereaux, individually and in her official capacity as the chairman of the disciplinary board of the Alabama State Bar Association. Asam's complaint contained allegations regarding the tort of outrage, violation of the Americans with Disabilities Act (ADA), [Immediately after Asam qualified to run as circuit judge candidate in 1994, Asam in head-on accident, not her fault], and various due process and civil rights violations. Asam sought $50 million in damages. Inter alia, Asam contended that Devereaux had failed to give proper notice of a disciplinary hearing, that Devereaux had acted outrageously by not allowing Asam to conduct discovery for that hearing, that Devereaux had violated the ADA by failing to grant Asam's requested continuance, and that Devereaux had acted negligently and wantonly by failing to verify

the truth of allegations made against Asam by the Alabama State Bar Association.

Following a hearing, the trial court granted Devereaux's motion for a summary judgment and entered its order, containing the following pertinent language: [Notice of appeal timely filed].

1. On or about February 21, 1995, [Asam] filed a Complaint seeking $50 million in damages against [Devereaux], officially in her capacity as Chairman of the Disciplinary Board, Panel I [II], and individually.

2. In essence, Plaintiff Asam contends that the Alabama State Bar filed false charges of incompetence against her without probable cause and without adequate notice of the charges against her. [Asam] further contends that the State Bar, through its disciplinary process, is pursuing charges against her for improper and political reasons.

3. The Court finds, and [Asam] candidly admitted during oral argument, that she is currently in the process of appealing her disbarment to the Supreme Court of Alabama, although she contends, to some extent, the Supreme Court will not fairly consider her case since the Alabama State Bar is an arm of the State Court.

4. The Court finds that the gravamen of [Asam]'s complaint is inextricably intertwined

with her appeal to the Supreme Court of Alabama from her disbarment.

7. In this case, [Asam]'s mere conclusory allegations and speculation that factual issues exist are not sufficient to defeat the Defendant Devereaux's properly supported summary judgment motion. See Riggs v. Bell, 564 So. 2d 882, 884, (Ala. 1990).

8. The Court further finds that Defendant Devereaux is entitled to absolute and qualified immunity, both individually and in her official capacity, based upon Eleventh Amendment immunity, absolute immunity, and qualified immunity.

9. The Court finds that [Asam]'s complaint and supporting papers do not meet the stringent standard set by the Alabama Courts for the claimed tort of outrage. [Nabors] v. St.Paul Ins. Co., 489 So. 2d 573, 574 (Ala. 1996).

10. Finally, the Court finds (that Asam's] complaint fails to state a cause of action under the Americans with Disabilities Act or § 504 of the Rehabilitation Act."

Asam's post-judgment motion was denied by operation of law; hence, this appeal. Asam's pro se appeal was transferred from our Supreme Court pursuant to Ala. Code 1975, § 12-2-7(6).

In her brief, Asam's attempts to raise several issues are chaotic and unintelligible. [False, obviously issues were not read by judges]. Her brief is filed with jumbled, unclear, disorganized, and incoherent babblings [false] interspersed with occasional legal terminology and mispelled words. [False, sentence ridiculous and apppears to be copied out of some book by a law clerk just out of school; however, if Judges Thigpen et al did write this opinion, Judge Thigpen is showing bias and prejudice, and Judge Thigpen should have recused himself, because of personal conflict of interest since Judge Thigpen appointed the substitute judge, Judge Ryan who wrote a bogus civil contempt on Asam because she did not show for a hearing when Judge Ryan had the notice sent to the wrong city.] Her brief and other findings contain an array of unsupported allegations [false] and a plethora of unrelated and irrelevant photocopies of documents, (false) including photocopies of news articles, [pertinent to case since Asam was circuit judge candidate], Asam's campaign literature, and some of her medical records [attempted murder of Asam after she qualified to run as a circuit judge candidate]. Although she cites numerous legal autorities in her brief, those general authorities [false, law on due process and

civil rights] simply do not support her disjointed contentions [false]. Rule 28, A.R.App.P. Inapplicable general propositions are not supporting authority, [false, not general propositions but specific sets of law on due process and civil rights], and appellate court has no duty to perform a litigant's legal research. [Law presented by clerk in this paragraph not pertient in instant case.] Legal Systems, Inc. v. Hoover, 619 So. 2d 930 (Ala. Civ. Appeals., 1993); Lockett v. A.L. Sandlin Lumber Co., 588 So. 2d 889 (Ala. Civ. App. 1991; amd Moats v. Moats, 585 So. 2d 1386 (Ala. Civ. App. 1991). Similarly, appellate courts do not, "based on undelineated propositions, create legal arguments for the appellant." McLemore v. Fleming, 604 So. 2d 353, 353 (Ala. 1992). This court will address only those issues properly presented [was properly presented] and for which supporting authority [authority was cited - see original] has been cited. Simonton v. Carroll, 512 So. 2d 1384 (Ala. Civ. App. 1987).

Asam's failure to properly raise or argue issues [Propaganda and malignant justice by the court to pretend Asam is incompetent to cover-up the constitutional violations of Devereaux because she represents the Alabama State Bar who wrongfully disbarred Asam as incompetent because of political reasons to destroy Asam as a lawyer and this defaming opinion is an example of unAmerican activities by the judicial systems in Alabama] places her in a perilous position on appeal [trumped-up by court pretending that Asam was not properly raising or arguing issues so that the court through Judge Thigpen did not have to review the true issues presented by Asam] because she has provided nothing suitable for appellate review [false, court violation of due process and civil rights]. Her brief fails to comply with Rule 28, A.R.App.P., in numerous aspects [failure of court to present any true violations of rule 28]. She fails to properly present any issue, [false see original Appellant brief if not changed by someone] she fails to properly argue any issue, [false, see due process and civil rights law on issues of due process and civil rights], and she fails to cite any supporting authority. [false, see 3 pages of index of supporting authority]. Although her brief contains vague [false] references to legal authority, [false], she fails to indicate

how that authority supports her position, [false and she fails to provide any indication as to how the trial court erred. [false, appellate court has mutilated the U.S. Constitutional rights of Asam]. Asam does not argue that she presented substantial evidence in opposition to Devereaux's summary judgment motion, [false], nor is there any evidence in the record [false, see post judgment motion] indicating that the summary judgment was improper.

When an appellant fails to properly argue an issue [false, trumped-up by Judge Thigpen et al to cover-up the wrongful disbarment of Asam as incompetent by Devereaux without an expert witness as M.D. at surprise sanity hearing, without notice, without appointing an attorney for Asam and without appointing a guardian ad litem for Asam] that issue is waived and will not be considered [the following law is not pertinent to instant case since court has clearly shown unAmerican activities]. Boshell v. Keith, 418 So. 2d 89 (Ala. 1982). This court is not unsympathetic to a pro se litigant; however, the rules governing the operation of the courts of this state [rules twisted by Alabama Court of Appeals judges] are no more forgiving to a pro se litigant than to one represented by counsel. Bowman v. Pat's Auto Parts, 504 So. 2d 736 (Ala. Civ. App. 1987). Thus, a

party acting pro se must comply with legal procedure and court rules and may not avoid the effect of the rules because of unfamiliarity. See Hines v. City of Mobile, 480 So. 2d 1203 (Ala. 1985). In view of Asam's failure to substantially comply with the rules [false, excuse by court to cover-up the wrongful disbarment of Asam as incompetent by Devereaux's clear violation of Asam's constitutional rights of due process and a violation of Asam's civil rights to declare a person incompetent without proper notice and procedure as was done by Devereaux acting as chairman of the Disciplinary Board of the Alabama State Bar under the disguise of Asam violating certain professional ethics which she never violated as an excuse to disbar her as incompetent for political reasons since she ran as a woman circuit judge candidate], we pretermit a discussion of any issue she attempted to raise. [Court admits did nothing, and the instant case should be reversed].

For the foregoing reasons, the judgment of the trial court is due to be affirmed.

AFFIRMED.

Thigpen, Yates, Monroe, and Crawley, JJ., concur.

Robertson, P.J., concurs in the result only.

APPENDIX C

IN ALABAMA COURT OF CIVIL APPEALS

Julia McCain Lampkin Asam

Appellant

v.

Wanda D. Devereaux et al.

Appellees

You are hereby notified that the following action was taken in the above cause by the Court of Civil Appeals: Application for Rehearing Overruled. No opinion written on rehearing.

Case no. 2950291

July 19, 1996.

J.H. Wilkerson, Jr., Clerk

Court of Civil Appeals

APPENDIX D

IN THE SUPREME COURT OF ALABAMA

November 22, 1996

1951965

Julia McCain Lampkin Asam

v

Wanda Devereaux, et al. (2950291)

Montgomery: CV 95-406

Petition for Writ of Certiorari to the Court of Civil Appeals.

Certificate of Judgment Writ Denied.

The above cause having been duly submitted, IT IS CONSIDERED AND ORDERED that the petition for writ of certiorari

is denied.

MADDOX, J. - HOOPER, C.J., Shores, Kennedy and Cook, JJ., concur.

I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 22 day of Nov. 1996.

S/Robert G. Esdale

Clerk, Supreme Court of Alabama

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate
Writ of Certiorari was sent to Mr. Anthony McLa
Counsel, Alabama State Bar, P.O. Box 671. Montg
36101 this 15 day of February 1997.

Julia A

copy of the

in, General

omery, Alabama

_____